

ENTERED

September 14, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**NEFTALI NUNEZ,
"Petitioner",

v.

BOBBY LUMPKIN, Director, Texas
Department of Criminal Justice,
Correctional Institutions Division,
"Respondent".§
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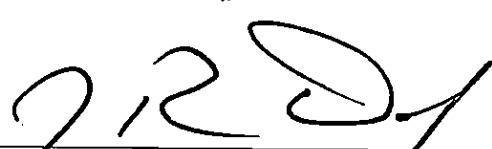
Civil Action No. 1:21-cv-00131

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court are these pleadings: Petitioner's "Petition for Writ of Habeas Corpus" and his "Memorandum in Support" (Dkt. No. 1, 11), Respondent's "Motion for Summary Judgment with Brief in Support" ("MSJ") (Dkt. No. 16) and the "Magistrate Judge's Report and Recommendation" ("R&R") (Dkt. No. 22). The R&R recommends this Court (1) grant Respondent's MSJ (Dkt. No. 16); (2) direct the Clerk of the Court to close this case; and (3) decline to issue a certificate of appealability.

No objections were filed by either party. When no objections are filed to a magistrate judge's ruling, the district court applies the "clearly erroneous, abuse of discretion and contrary to law" standard of review. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Finding no clear error, abuse of discretion, or finding contrary to law, the R&R is **ADOPTED**.

Respondent's MSJ (Dkt. No. 16) is **GRANTED**. The Clerk of the Court is **ORDERED** to close this case. The Court declines to issue a certificate of appealability.

Signed on this 14th day of September, 2022.

 Rolando Olvera
 United States District Judge